REMARKS

This paper is filed in response to an Office action mailed on July 3, 2007 In that Office action, claims 1-9, 11-17, 19 and 20 are rejected under 35 U S C. 102(b) as being purportedly anticipated by prior art; and claims 10 and 18 are rejected under 35 U.S.C 103(a) as being purportedly obvious in view of prior art

Claim Rejections – 35 U.S.C. 102

In the outstanding Office action, claims 1-9, 11-17, 19 and 20 are rejected as being anticipated by U S Patent No. 5,702,418 (hereinafter "Ravenscroft"). In response, applicant has hereby cancelled claims 1-10 and amended claim 20. Moreover, applicant believes that each of the current set of claims includes one or more elements that are not disclosed by Ravenscroft, thereby obviating the aforementioned rejection, as discussed more specifically in the paragraphs hereinafter.

Independent claims 11, 19 and 20, as well as claims 12-18 dependent upon claim 11, specify an outer shaft, an inner shaft slidably disposed within and concentric with the outer shaft, a rigid inner member, and a catheter. The claims further specify a stepped exterior tube comprising a wide diameter end and a sheath, the wide diameter end being rigidly coupled to a distal end of the outer shaft and fully enclosing an exterior portion of the rigid inner member in a second position. In the second position, a distal end of the inner shaft engages the distal end of the outer shaft. The stepped exterior tube having the wide diameter end and a sheath is described in Figs. 9-11 of the drawings and paragraphs [0031], [0035], and [0037]-[0038] of the specification. No new matter is added.

Ravenscroft discloses a stent delivery system comprising a stiff portion 15, a flexible thin portion 17, a first handle portion 25, and a second handle portion 26. The Examiner equates the first handle portion 25 and the second handle portion 26 to the claimed outer shaft and inner shaft, respectively. The Examiner further equates the stiff portion 15 and the flexible thin portion 17 to the claimed rigid member and catheter, respectively. Ravenscroft, however, does not disclose or suggest a stepped exterior tube having a wide diameter end, as specified in the present claim set As a result, applicant respectfully submits that each claim of the current claim set includes one or more elements that is not disclosed or suggested by Ravenscroft, and

therefore should not be anticipated by same.[1] Withdrawal of this rejection in view of the amended claim set is respectfully requested.

Claim Rejection – 35 U.S.C. 103

Dependent claims 10 and 18 are rejected under 35 U.S.C. 103 as being obvious over Ravenscroft, in view of U.S. Patent No. 6,176,843 (hereinafter "DiCaprio"). Ravenscroft discloses a stent delivery system comprising a stiff portion 15, a flexible thin portion 17, a first handle portion 25, and a second handle portion 26. DiCaprio discloses a balloon catheter comprising a manifold 44, a guide wire arm 46, a proximal port 48, an inflation arm 50, a switchable valve 52, and an inflation port 56. The Examiner further asserts that it would have been obvious to a person of ordinary skill in the art to modify the device of Ravenscroft to have a valve as taught by DiCaprio to allow air to be purged from the lumen. Applicant respectfully submits with the amended claim set, this rejection is obviated, as discussed more specifically in the paragraphs hereinafter.

Ravenscroft fails to disclose or suggest a treatment element delivery device with a stepped exterior tube as specified in the amended claim set. More specifically, Ravenscroft fails to disclose or suggest a wide diameter end, wherein the wide diameter end is rigidly coupled to a distal end of an outer shaft and fully encloses an exterior portion of a rigid inner member. In contrast, Ravenscroft discloses a first handle portion attached directly to a proximal end of a catheter. The catheter uniformly extends toward a distal end of a flexible thin portion without a stepped exterior tube or a wide diameter end.

DiCaprio fails to supply the deficiencies in Ravenscroft noted above. Instead, DiCaprio discloses a balloon catheter having a shaft, a guide wire lumen and a switchable valve. Consequently, DiCaprio fails to disclose or suggest an inner shaft slidably disposed within and concentric with an outer shaft, or a rigid inner member disposed inside the inner shaft. DiCaprio further fails to disclose or suggest a stepped exterior tube comprising a wide diameter end, wherein the wide diameter end is rigidly coupled to the distal end of the outer shaft and fully

[1] Anticipation under 35 USC §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Rockwell International Corp. v. United States*, 47 USPQ2nd 1027 (Fed. Cir. 1998)

encloses an exterior portion of the rigid inner member in a second position. Therefore, DiCaprio fails to disclose or suggest the treatment element delivery device as now claimed.

In view of the foregoing, the proposed combination of Ravenscroft and DiCaprio fails to disclose or suggest each element of the claims at issue. Consequently, the obviousness rejection asserted against the claims must be withdrawn.

CONCLUSION

It is submitted that the present application is in good and proper form for allowance. A favorable action on the part of the Examiner is respectfully solicited.

If, in the opinion of the Examiner a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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Respectfully submitted,

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